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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,715	11/19/2003	Brian Timothy McCoy	2002P19252 US01	6319

7590 10/05/2006
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EXAMINER

KLAUS, LISA NHUNG

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,715

Applicant(s)

MCCOY, BRIAN TIMOTHY

Examiner

Lisa N. Klaus

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 28 is objected to because of the following informalities:
 - Regarding claim 28, line 2, change "coothmpries" to --comprises--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, 15-18 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (US 5,148,910).

William discloses a circuit breaker tagging/lockout apparatus comprising:

- Regarding claims 1, 16 and 27, William discloses:
 - a actuator restrainer 50;
 - a substantially planar actuator guard 40 coupled to the actuator restrainer 50;
 - a first position wherein the actuator H is manually moveable between the first pole and the second pole;
 - the substantially planar actuator guard 40 is located outside the actuator operation zone;
 - the substantially planar actuator guard 40 substantially prevents manual access to the actuator H;
 - the actuator restrainer 50 is positioned substantially within the actuator operation zone;
- Regarding claim 2, William discloses:

- the substantially planar actuator guard 40 is oriented substantially parallel to the substantially planar face of the circuit breaker 10;

- Regarding claim 3, William discloses:

- the actuator restrainer 50 is oriented substantially perpendicular to a substantially planar face of the circuit breaker 10;

- Regarding claim 5, William discloses:

- the planar actuator guard 40 provides visual access to the actuator H;

- Regarding claim 6, William discloses:

- the substantially planar actuator guard 40 provides manual access to a region of the circuit breaker outside the actuator operation zone;

- Regarding claim 7, William discloses:

- the substantially planar actuator guard 40 is integrally attached to the substantially planar face of the circuit breaker 10;

- Regarding claim 8, William discloses:

- the actuator guard 40 is adapted to interface with the circuit breaker 10 via a base component 22 and 24 adapted to fit the substantially planar face 14;

- Regarding claim 9, William discloses:

- the actuator restrainer 50 is removably coupled to the substantially planar actuator guard 40;

- Regarding claim 10, William discloses:

- the actuator restrainer 50 is integral with the substantially planar actuator guard 40;

- Regarding claim 11, William discloses:

- the actuator restrainer 50 is adapted to interact with a lock receptor 110;

- Regarding claims 12 and 17, William discloses:

- the second position is securable with a locking device;

- Regarding claim 13, William discloses:

- the first pole corresponds to either ON or OFF;

- Regarding claim 30, William discloses:

- the actuator guard defines a slot 92 for insertion of the lock receptor 110;

- Regarding claim 32, William discloses:

- when in the closed position the actuator guard 40 comprises one or more windows 42

and 44 for visually accessing the substantially planar face of the circuit breaker 10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Turek et al. (US 5,577,599).

- Regarding claim 14, Williams does not disclose the bridge for the additional actuators.

Turek discloses a switch lockouts comprising the actuator is bridged 130 to one or more additional actuators 126 and 128.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the bridge as taught by Turek with William's switch for the purpose of joining the switch handles.

4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Castonguay et al., figure 2 (US 4,978,816).

- Regarding claims 28 and 29, Williams does not disclose the hinge pivot shaft is insertable through the hinge receptor to form a hinge.

- Castonguay discloses a circuit breaker handle interlock arrangement comprising the hinge pivot 33 insertable through the hinge receptor to form a hinge.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the hinge as taught by Castonguay with Williams's circuit breaker for the purpose of attaching to the operating handle cover 21 to the support base.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Maloney et al. (US 6,396,008).

- Regarding claim 31, Williams does not disclose the prongs.

Maloney discloses a handle lock device comprising the prongs 94 and 96.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the prongs as taught by Maloney with Williams' circuit breaker for the purpose of engaging the exemplary raised portion 74 of the housing 41.

Conclusion

6. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571) 272-1993, and whose fax number is (571) 273-8300. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571) 272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

September 20, 2006



MICHAEL FRIEDHOFER
PRIMARY EXAMINER